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5 Attorneys for Defendant and Counterclaim Plaintiff, **BILBRO CONSTRUCTION**
6 **COMPANY, INC.**, and Defendant, **INTERNATIONAL FIDELITY INSURANCE**
COMPANY

7 **UNITED STATES DISTRICT COURT**

8 **NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

9
10 **UNITED STATES OF AMERICA** for the) Case No. **15-CV-03327-NC**
11 Use and Benefit of **PENN AIR CONTROL,**)
INC.,)
12 Plaintiff,) **STIPULATION RE: TRANSFERRING**
13) **CASE TO THE UNITED STATES**
14 v.) **DISTRICT COURT FOR THE**
15 **BILBRO CONSTRUCTION COMPANY,**) **SOUTHERN DISTRICT OF**
16 **INC. and INTERNATIONAL FIDELITY**) **CALIFORNIA; ORDER THEREON**
17 **INSURANCE COMPANY,**)
18 Defendants.)
AND RELATED COUNTERCLAIMS.)

19 **IT IS HEREBY STIPULATED** by and between plaintiff and counterclaim defendant
20 **PENN AIR CONTROL, INC.** (“Penn”), defendant and counterclaim plaintiff **BILBRO**
21 **CONSTRUCTION COMPANY, INC.** (“Bilbro”), defendant **INTERNATIONAL FIDELITY**
22 **INSURANCE COMPANY** (“IFIC”), and counterclaim defendant **ALPHA MECHANICAL, INC.**
23 (“Alpha”) (collectively the “Parties”), by and through their undersigned counsel of record,
24 pursuant to 28 United States Code (“U.S.C.”) §§ 1404 and 1406 as follows:
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27 **STIPULATION RE: TRANSFERRING CASE TO THE UNITED STATES DISTRICT COURT FOR THE**
28 **SOUTHERN DISTRICT OF CALIFORNIA; ORDER THEREON**

1 1. Pursuant to 28 U.S.C. §§ 1404 and 1406, the Parties agree that the Southern District
2 of California, located in San Diego County, is the venue most convenient for all parties, witnesses,
3 and legal counsel to prosecute this action;

4 2. Pursuant to 28 U.S.C. §§ 1404 and 1406, the Parties hereby agree and request the
5 Court to transfer this entire action to the United States District Court for the Southern District of
6 California (San Diego County);

7 3. The Parties agree that the requested transfer shall not be asserted by any party to
8 this Stipulation to be a bar or other defense to claims and/or defenses already asserted or to be
9 asserted in the future in this Action;

10 4. The Parties agree that Alpha shall file its answer and counterclaims in the U.S.
11 District for the Southern District of California within twenty (20) days after the Parties receive
12 notice that said court has received transfer of the entire case from this Court; and

13 5. The Parties hereby agree and request the Court to vacate, without prejudice, all
14 motion and hearing dates presently pending in this matter.

15 IT IS SO STIPULATED by the Parties.

16 Dated: December 30, 2015.

17 LEPISCOPO & ASSOCIATES LAW FIRM



18 By: _____
19 Peter D. Lepiscopo, Esq.,

20 Attorneys for Defendant and Counterclaim
21 Plaintiff, BILBRO CONSTRUCTION
22 COMPANY, INC., and Defendant,
23 INTERNATIONAL FIDELITY
24 INSURANCE COMPANY

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27 **STIPULATION RE: TRANSFERRING CASE TO THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF CALIFORNIA; ORDER THEREON**

1 Dated: December 30 2015.

THEODORE A. ANDERSON LAW CORPORATION

2 By:

3
4 Theodore A. Anderson, Esq.,

5 Attorneys for Plaintiff and Counterclaim
6 Defendant, PENN AIR CONTROL, INC.

7 Dated: December 30, 2015.

SOLOMON WARD SEIDENWURM & SMITH, LLP

8 By:

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10 Mark Angert, Esq.,

11 Attorneys for Counterclaim Defendant,
12 ALPHA MECHANICAL, INC.

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15 **ORDER**

16 **IT IS HEREBY ORDERED** that the terms of the foregoing stipulation are hereby
17 granted.

18 **IT IS FURTHER ORDERED** that the Clerk of Court shall cause this entire case to be
19 transferred to the United States District Court for the Southern District of California, located at
20 333 West Broadway, San Diego, California 92101.

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22 **IT IS SO ORDERED.**

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24 Date: December 30, 2015.

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27 STIPULATION RE: TRANSFERRING CASE TO THE UNITED STATES DISTRICT COURT FOR THE
28 SOUTHERN DISTRICT OF CALIFORNIA ORDER THEREON

